

**Draft Meeting Summary
Monterey MLPA Regional Working Group
September 25, 2002**

Working Group Members present: Steve Campi, Mark Carr, Joe Cavanaugh, David Crabbe, Howard Egan, Kaitilin Gaffney, Susan Goldbeck, Mike Morris, Holly Price, Juliana Rebagliati, Mike Ricketts, Jesus Ruiz, Steve Scheiblaue.

Working Group Members absent: Michelle Knight (proposed alternate was present), Bill Williamson, and third Commercial Fishing seat (vacant)

Department and MLPA Planning Team staff present: Tim Olivas, Sara Peterson, Paul Reilly, Elena Teves, Fred Wendell (all DFG), Gena Lasko (Dept. Parks and Recreation), Irene Tetreault (intern)

RESOLVE staff present: Paul De Morgan

I. Welcome, Introductions, Proposed Meeting Objectives and Agenda

The meeting began with the Regional Working Group (RWG) Coordinator, Paul Reilly of the Department of Fish and Game (DFG), welcoming the members and observers. He then asked everyone to introduce themselves.

Paul De Morgan, Senior Mediator with RESOLVE and the RWG facilitator, then briefly reviewed the agenda and MLPA Notebook materials including the Draft Operating Principles and the MLPA Goals. He noted that all materials distributed to the RWG members will be available on the DFG website <http://www.dfg.ca.gov/mrd/mlpa>. He added that draft meeting summaries will be provided to the Working Group for correction and comment prior to distribution, via the website, to the public. Mr. De Morgan also offered the group some preliminary thoughts on meeting process, groundrules, and roles and expectations for the members, staff, and facilitator.

Mr. De Morgan then circulated a list for members to add information on their proposed alternates. He recognized that many of the members had already submitted information and asked them to correct anything if it was incorrect. Mr. Reilly reminded the Working Group that alternates have not been formally approved by DFG's Director but indicated the DFG would be working to finalize these as soon as possible. He added that if members do not have a proposed alternate yet, they should contact him as soon as possible to get them in the process.

Next, members were asked to indicate the contact information they wanted made available to the public by making revisions on a roster. This information will be available on DFG's MLPA website to facilitate interaction with the public. It was noted that a separate roster will be maintained with more complete contact information for internal use by the Working Group only.

In reviewing the roster, several members asked for clarification of the headers under which specific constituencies were placed. In addition, they requested additional direction on who each member was supposed to represent. After some discussion, Mr. Reilly and Mr. De Morgan agreed the questions would need to be addressed, but indicated they would need to be considered in the context of all seven RWG meetings. Mr. Reilly explained that while DFG seeks

consistency of representatives among all Working Groups, it recognizes that there are important differences between seven Working Group regions and would keep that in mind when considering the issue.

After the first round of RWG meetings are completed this issue will be revisited and clarified, as necessary, by DFG.

II. Review of MLPA Regional Working Group Goals, Objectives, Mandates and Responsibilities

Mr. Reilly presented a brief description of the goals and requirements of the MLPA. This presentation primarily summarized material in Sections 3 and 4 of the Notebook (which he noted had been presented at the July orientation meetings). He explained that AB892, which extends the MLPA process by two years, has been signed by Governor Davis and chaptered. As such, the revised deadline for submission of a draft Master Plan to the Fish and Game Commission (Commission) is now January 1, 2005.

Mr. Reilly also explained the composition and role of the DFG, the Master Plan Team, and the RWGs. In addition, he noted that socio-economic analyses will be sought during this process. Finally, in response to a question from one of the members, he observed that the DFG recognizes there are on-going processes that may impact the RWG deliberations and welcomes links to these as appropriate.

III. MLPA Regional Working Group Composition

RWG members were asked to comment on whether the current RWG composition was sufficient to accomplish their goals. In particular, they considered whether there were constituencies not adequately represented by the current membership. In discussing the issue, members agreed that keeping the group to a manageable size was also an important consideration. After discussion, members indicated they felt that the present make-up of the Group was well considered by DFG and adequately represented broad constituent interests in this Region.

Members did raise concerns about access to information from science and agency experts. Mr. Reilly indicated such expertise can and will be provided on an as-needed basis. A question was raised about why National Marine Fisheries Service (NMFS) was not represented within the Working Groups. Mr. Reilly explained that NMFS has an advisory role in the MLPA process and that two of their scientists are on the Master Plan Team.

In response to a question, Mr. Reilly noted that consistent non-attendance by any RWG member will be addressed by DFG if the need arises.

IV. Draft Operating Principles

To begin the discussion, Mr. De Morgan explained that operating principles are intended to serve as a vehicle for the group to define how it will govern its discussions, deliberations, and decision-making. Mr. De Morgan then presented a few clarifications to the Draft Operating

Principles which were first made at the Santa Barbara/Ventura meeting on 9/18/02, and which will be incorporated in all Working Groups' Operating Principles. He indicated the goal of the session was to identify issues of concern, incorporate changes into the Operating Principles as necessary, and, if possible, agree upon a finalized document. He noted that if the group had outstanding issues at the conclusion of the session, they would need to discuss this further. Below are brief summaries of the members' comments and/or next steps for each section of the document.

Section I. Purpose of the Marine Life Protection Act Regional Working Groups

Section I was approved.

Section II. Role of the Regional Working Group Members/Working Group Structure

Members raised questions regarding the process by which they will draft alternatives to be presented to the Commission. Mr. Reilly noted the DFG is creating a draft template or form to help the Working Groups evaluate existing Marine Protected Areas (MPAs) and develop alternatives for an MPA network but noted the template itself will not be incorporated into the Draft Operating Principles. The template, in the form of a modified checklist, is a tool that can help the group evaluate and develop MPA goals and objectives, help determine what types of habitat are available or needed in MPAs, and help summarize the extent and effectiveness of enforcement, research, monitoring, and education. Mr. De Morgan clarified a process point regarding the requirement of a quorum (a minimum of two-thirds of the members must be present for decisions to be made) before any decision can be made.

Additions were suggested to the language of the last sentence of the third paragraph of Section II such as: "The most desired final result will be recommendations for a single preferred alternative for MPAs."

The group agreed a number of changes to the beginning of this section were necessary to clarify the purpose and to make it consistent with later sections of the document.

Subgroups. RESOLVE clarified that subgroups would not have decision-making authority, and subgroups would be formed by group consensus.

The members agreed to add language to Section II, paragraph 6 stating that a member cannot be excluded from any subgroup if that member wishes to participate.

There were additional questions regarding certain titles for members as to their specific representatives. With regard to commercial fishing representation, Mr. Reilly noted that different gear types are used among Regions and members often represent multiple gear types.

MLPA Master Plan Team and Department of Fish and Game. In responding to questions about how the recommendations will move from the RWGs to the DFG, Mr. Reilly explained that while all RWG recommendations will ultimately be forwarded to the Commission, not all RWG recommendations will be necessarily included in the Draft Master Plan, based on the evaluation

of the Master Plan Team as to whether they meet the requirements of the MLPA. The Master Plan Team will interact iteratively with RWGs regarding MPA alternatives and then the DFG ultimately will compile a state-wide draft Master Plan which they will submit to the Commission. Mr. Reilly pointed out that should the RWGs reach consensus on an MPA network alternative, it will send a very powerful message to DFG's Director and to the Commission. If consensus within a RWG is not reached, then a complete set of alternatives can be submitted to the Master Plan Team for that Region. The DFG Director will not be involved in each iterative draft, but the DFG Regional Coordinator and Master Plan Team will be involved.

Thus the last sentence of Section II paragraph 8 was amended to read "They will provide analyses of alternatives and suggestions for modifications back to the Working Groups and directly to the Regional Coordinator of the Department."

The concept of a statewide oversight panel or steering group was discussed. Mr. De Morgan sought input on the right time to hold statewide meetings. RWG members suggested this should be discussed at a future meeting.

Section III. Participation

Interests Represented. Members again asked for clarification regarding the constituents all members are intended to represent, especially the Coastal Community representative. Members questioned the rationale for separating consumptive and recreational diving. In particular, there was confusion about the non-consumptive recreation group including 'Diving' in the title. As mentioned previously, Mr. Reilly indicated DFG will work to clarify and explain the rationale behind the titles assigned to each Member at the conclusion of the first set of RWG meetings.

Section IV. Meetings

Open Meetings. *Section IV, paragraph 1 will have language stating that while the public is encouraged to have their interests incorporated into the deliberations through their representatives first and in writing second, informal public comment will be available at some point in each RWG meeting. Public comment will last no longer than 15 minutes, allowing for no more than three minutes per person, and if necessary less than three minutes.*

Members agreed this public speaking policy can be revisited at any time by the Group. Mr. Reilly also noted that written comments will be accepted by the Department at any time.

Breaks and Caucuses. *The Group agreed to add a sentence stating that it will reserve its right to re-evaluate the allowance of caucuses if they become too disruptive.*

Section V. Decision Making and Commitments

Decision Making. *Section V, paragraph 1 was amended to read "Working Groups will provide advice and recommendations for the development of alternatives for MPAs, and will work toward development of a preferred alternative." Section V, paragraph 1 was further amended by striking the second sentence of this paragraph.*

Quorum. *The language of Section V, paragraphs 1 and 2 will be revised to clarify the meaning of decision making and quorum and add a caveat that the Working Group reserves the right to revisit the issues of decision making and quorum depending on the dynamics of Group participation.*

Consensus. *The Group discussed this issue in detail, but will revisit it at a later time.*

Commitments of All Members. *The last paragraph of Section V will include a bullet that each Member has the responsibility to notify their alternates as soon as they know of future meeting dates or if they cannot attend a meeting. In addition, a bullet will be added that members will commit to reviewing material submitted to them.*

Section VI. Safeguards.

Good Faith. *Section VI, paragraph 1 will have language added that allows the RWG to identify the issue of a member's bad faith to the RWG Coordinator, which would initiate a discussion by the DFG regarding a member's level of commitment. In extreme cases members may be removed from the Group by the DFG.*

Information. *Members questioned the rationale behind the last sentence of Section VI paragraph, which will be taken under advisement.*

Press. *A sentence will be added to the end of the last paragraph of Section VI stating that when interacting with the press individuals clarify that they are stating the views of their constituents and not the RWG as a whole.*

VIII. Schedule.

The Department stated that they anticipate holding meetings every two months, but the schedule is flexible based on Group needs and budget constraints. There is a cost associated with every meeting.

V. Public Comment

Three members of the public offered comments to the RWG:

1. Christian Zajak,
2. George Leonard
3. Kathy Fosmark

Each commenter kept their remarks to three minutes or less as requested by the RWG members. As noted at the meeting, the specific comments are not captured in the summary, however the individuals making public comment were encouraged to submit written comments to the DFG. The RWG members thanked the members of the public for their comments.

VI. Learning About Working Group Members' Hopes and Expectations/Developing a Proposed Vision for Marine Resources Within This Region

In order for all members to begin better understanding each others interests, the RWG members were asked to reflect on two questions near the end of the meeting. The first question was why they agreed to accept their nominations and the second was in two years (i.e., at the conclusion of this process) what would make you glad you participated?

Members responded to each question in various ways. Regarding agreeing to accept their nominations, answers included a desire to apply many years' of expertise to an important issue, love of and responsibility for wise use of natural resources, fear of losing fishing opportunity and livelihood, concern for conservation, perception of this process as vitally important, to work toward sustainability, and the ability to represent a constituency well.

Member's thoughts on why they would be satisfied at the end of this process included the following: reaching a mutually acceptable consensus that accommodates constituents, furthering education, protecting marine resources for the future, having the ability to enforce the decisions made, fostering dialogue between conservation and fishing interests, avoiding a natural resource crisis, allowing use of marine resources for research today and in the future, realizing sustainable use, and having the ability to educate others about this process.

VII. Next Step Tasks, Meeting Summary and Acknowledgments

The group agreed to meet again in December. The first choice for the next meeting date was Wednesday December 11th, with Tuesday December 10th as the alternate date. The group agreed that the generally meetings should be held in Monterey, except for every third meeting, which should take place in Santa Cruz or Moss Landing, to accommodate members who live north of Monterey.

Members were asked to propose possible agenda topics for the next meeting; suggestion included:

- More discussion of individual vision statements
- Finalize the statement of Operating Principles
- Discuss strategy for moving forward, including deliverables and how to proceed
- Discuss criteria for evaluating different MPA options
- Review the existing analyses of the four existing MPAs in this region and discuss whether they meet the objectives of the MLPA. Invite experts on these MPAs to advise the Group
- Review other management processes so as to integrate the MLPA within this matrix (e.g., the recent shelf fishery closures)
- Discuss how to engage constituents
- Discuss channels of communication among members

Mr. De Morgan and Mr. Reilly, drawing from these suggestions, indicated they will craft and circulate a draft agenda that will be discussed at the beginning of the next meeting. Mr. De Morgan and Mr. Reilly also noted they would draft a next steps memo for distribution as soon as possible in addition to a brief summary of the meeting.

A commercial fishing representative resigned from the Group on this day. The Department solicited nominations for the third commercial fishing seat that represents fishing interests other than those presently covered, and preferably from the Moss Landing fishing community.